

1 HB224
2 96170-1
3 By Representative McClammy
4 RFD: Government Operations
5 First Read: 03-FEB-09
6 PFD: 02/02/2009

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8 SYNOPSIS: Under existing law, there is no provision
9 for the creation of separate toll road, bridge, and
10 tunnel authorities for a county.

11 This bill would provide for the creation,
12 under the aegis of the Alabama Toll Road, Bridge
13 and Tunnel Authority, a toll authority to provide
14 financial and other support for a toll road in
15 Montgomery County.

16 This bill would provide for the powers and
17 composition of the authority.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Section 23-2-143 of the Code of Alabama
24 1975, relating to the Alabama Toll Road, Bridge and Tunnel
25 Authority; to allow the creation of a toll authority for
26 construction of a road in Montgomery County and for the

1 extension of Interstate 85 within this state; and to provide
2 for membership of the authority.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 23-2-143 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§23-2-143.

7 "(a) (1) There is ~~hereby~~ established a body corporate
8 and politic with corporate succession, to be known as the
9 "Alabama Toll Road, Bridge, and Tunnel Authority." The
10 authority is hereby constituted an instrumentality exercising
11 public and essential governmental functions and the exercise
12 by the authority of the powers conferred by this article shall
13 be deemed and held to be an essential governmental function of
14 the state.

15 "(2) There may be created, under the aegis of the
16 Alabama Toll Road, Bridge, and Tunnel Authority, a toll
17 authority whose goal is to provide financial and other support
18 for a road lying in Montgomery County commencing from United
19 States Highway 80 West to a point not extending beyond
20 Interstate 85 East and for the extension of Interstate 85 from
21 the City of Montgomery to Interstate 59 lying in Sumter
22 County, or points south of Sumter County.

23 "An authority created under this subdivision may
24 enter into agreements with the Department of Transportation,
25 acting alone or as a party to a joint venture with a private
26 party, to build a toll road. Any contract entered into with a

1 private party pursuant to this subdivision shall be subject to
2 Section 23-2-145.

3 "(b) (1) The authority shall consist of the Governor,
4 the Lieutenant Governor, the Speaker of the House of
5 Representatives, the Director of Transportation, one member of
6 the Senate to be appointed by the Lieutenant Governor, one
7 member of the House of Representatives to be appointed by the
8 Speaker of the House, and one person from the state at large
9 to be appointed by the Governor.

10 "(2) The authority established for purposes of
11 providing financial and other support for the extension of
12 Interstate 85 within this state shall consist of the
13 following:

14 "a. The chair of the county commission of each
15 county in which the extension of Interstate 85 will be
16 located.

17 "b. The mayor of each municipality in a county, if
18 the county has a population of not less than 40,000, in which
19 the toll road will be located.

20 "c. The members as provided in subdivision (1) of
21 this subsection.

22 "(c) The Governor shall be chairman of ~~the~~ each
23 authority. ~~The Each~~ authority shall elect a secretary and a
24 treasurer who need not be members and may be one and the same
25 person. Four members of ~~the~~ an authority shall constitute a
26 quorum and the concurrence of four members shall be necessary
27 for any action taken by ~~the~~ an authority. No vacancy in the

1 membership of ~~the~~ an authority shall impair the right of a
2 quorum to exercise all the rights and perform all the duties
3 of the authority. Should any of the ~~said~~ officials of the
4 state die or should his or her term of office, as such
5 official, expire, or should he or she resign ~~therefrom~~ from
6 office, his or her successor in office shall take his or her
7 place as a member or officer of the authority. Any vacancy in
8 the appointed membership of the authority shall be filled in
9 the same manner as the original appointment was made.

10 "(d) If the secretary and treasurer are not members
11 of the authority, before the issuance of any toll road, bridge
12 or tunnel revenue bonds under ~~the provisions of~~ this article,
13 the secretary shall execute a surety bond in the penal sum of
14 ~~\$25,000.00~~ twenty-five thousand dollars (\$25,000) and the
15 treasurer shall execute a surety bond in the penal sum of
16 ~~\$50,000.00~~ fifty thousand dollars (\$50,000), which shall be
17 sufficient if he or she be secretary also. Each ~~such~~ surety
18 bond shall be conditioned upon the faithful performance of the
19 duties of the office of secretary or treasurer, as the case
20 may be, to be executed by a surety company authorized to
21 transact business in the State of Alabama as surety, and to be
22 approved by the Governor and filed in the office of the
23 Secretary of State. The cost of ~~such~~ the bonds shall be borne
24 by the authority.

25 "(e) The members of the authority shall serve
26 without compensation. The appointed members shall receive
27 reimbursement for their expenses when actively engaged on the

1 authority's business, such expenses to be paid in accordance
2 with Article 2 of Chapter 7 of Title 36."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.